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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,029	06/08/2005	Mauri Hillo	3397-139PUS	8918
27799 7590 09/16/2009 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER PRAKASAM, RAMYA G				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
09/16/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,029

Applicant(s)

HILLO, MAURI

Examiner

RAMYA PRAKASAM

Art Unit

3651

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-41 is/are pending in the application.
- 4a) Of the above claim(s) 16, 17, 25 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-24, 26-27, and 29-40 is/are allowed.
- 6) ☒ Claim(s) 11, 13 and 41 is/are rejected.
- 7) ☒ Claim(s) 12, 14, 15, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 41 is rejected under 35 U.S.C. 102(b) as being anticipated by Pienta (US Patent No. 6,152,286).

Pienta discloses a method for separating rolls of a roll set, the method comprising:

- Transporting the roll set on a conveyor belt or chain along a transport path including an elevation section (11, 12 – See Figures 1 and 2);
- Elevating a portion of the conveyor belt or chain arriving in the elevating section (See Figure 11); and
- Separating the rolls from one another when the rolls of a roll set are transported to the elevation section by the conveyor belt or chain (See Figure 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pienta in view of Gamberini (US Patent No. 5,341,911).

Pienta discloses all claimed limitations, including wherein a height of elevation between the top surface of the base level of the conveyor belt or chain and top level of the elevation is adjusted during operation of the conveyor, the base level of the conveyor being a level of the conveyor upstream of the elevation (See Figure 11). Pienta, however, fails to disclose the transport path between driving and tail pulleys. Gamberini discloses a transport path between driving and tail pulleys (See Figure 2) for the purpose driving an endless conveyor belt (See Column 2, lines 13-21). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Pienta by utilizing a transport path between driving and tail pulleys for the purpose driving an endless conveyor belt.

Allowable Subject Matter

4. Claims 21-24, 26-27, and 29-40 are allowed.
5. Claims 12, 14-15, 18 and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: Claims 12 and 21 provide that the elevation is created by an elevating roll assembly in which a portion is raised above the top surface of the conveyor belt to form an elevation above the remaining portion of the top surface of the conveyor belt or

chain, the elevation separating the rolls of the roll set from each other. These limitations, in combination with the other limitations in the claims, were not found in the relevant prior art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMYA PRAKASAM whose telephone number is (571)272-6011. The examiner can normally be reached on Monday - Thursday, 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651

9/14/2009
RGP